



## **Revised Draft Statement of Basis, Purpose, and Specific Statutory Authority**

**Colorado Department of State**  
**Election Rules**  
**8 CCR 1505-1**  
**Revised: September 11, 2025**

### **I. Basis and Purpose**

This statement explains proposed amendments to the Colorado Department of State Election rules.<sup>1</sup> The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of federal and Colorado election laws,<sup>2</sup> improve elections administration in Colorado, increase transparency and security of the election process, and implement amendments from the election laws made during the 2025 regular session of the 75<sup>th</sup> General Assembly.

Specific changes include:

- Amendments to Rule 1.
  - Amendments to Rule 1.1.42 clarify the definition of “qualified political organization.”
  - Amendments to Rule 1.1.48 clarify the definition of “seal.”
- Amendments to Rule 2.
  - Amendments to Rule 2.10 include the repeal of current Rules 2.10.1 through 2.10.3 because they are now contradicted by or repetitive of statute, and renumbering current Rule 2.10.3 to Rule 2.10. These

---

<sup>1</sup> 8 CCR 1505-1.

<sup>2</sup> Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 (“HAVA”), P.L. No. 107-252.

amendments include necessary adjustments to numbering for the sections within current Rule 2.10.3 to conform with departmental stylistic and formatting standards.

- Amendments to Rule 6.
  - New Rule 6.1.8 permits the county clerk to use a request from an unaffiliated elector to serve as an election judge for multiple elections.
- Amendments to Rule 7.
  - Amendments to Rule 7.2.4 clarify how a county clerk must treat ballots returned in a general assembly or county commissioner vacancy election as a result of the passage of House Bills 25-1315 and 25-1319.
  - Amendments to Rule 7.3.1 concern when an emergency replacement ballot can be delivered to an elector by the county clerk, in compliance with section 1-7.5-115, C.R.S.
  - Amendments to Rule 7.7.8 update the process of auditing signature verification decisions made by election judges.
  - Amendments to Rule 7.7.14 are technical revisions to remain consistent with statute.
  - New Rule 7.7.15 establishes a new annual campaign for county clerks to contact young electors between the ages of 17 to 25 to request an additional reference signature for their voter file.
  - Amendments to Rule 7.8.5 require election judges to offer three ways to vote while at a voting center: use of a ballot marking device, a hand marked paper ballot, or receipt of a mail ballot. A remedial program may be implemented if a county fails to offer these options to their electors.
  - Amendments to Rule 7.8.12 require county clerks to provide a screen capable of displaying and sharing video to access video relay interpretation at voter service polling centers in any election when section 1-5-904, C.R.S is in operation
  - New Rule 7.9.4 requires each county to designate an individual who will serve as the county's accessibility coordinator for voting, and to provide the name of that individual to the Department.
  - Amendments to Rule 7.15 continue to require counties to comply with scanning signatures on mail ballots into SCORE, but remove the possibility of a waiver from this process.
  - Amendments to Rule 7.16.4 include technical revisions.

- Amendments to Rule 10.
  - Amendments to Rule 10.2.2 clarify the appointment of canvass board members in elections conducted with partisan ballot content in response to the passage of House Bills 25-1315 and 25-1319.
  - Amendments to Rule 10.3.2 include technical revisions due to the passage of Senate Bill 25-001, clarifying the role of the canvass board in a recount.
  - Amendments to Rule 10.6.1 clarify that write-in votes cast for each qualified write-in candidate must be included in the official county abstract.
  - Amendments to Rule 10.6.3 clarify the composition of canvass boards for elections that contain partisan content in response to the passage of House Bills 25-1315 and 25-1319.
  - Amendments to Rule 10.11 include technical revisions due to the passage of Senate Bill 25-001, clarifying the role of the canvass board in a recount.
  - Amendments to Rule 10.12 renumber Rule 10.12.1 to Rule 10.12 to adhere to departmental stylistic standards.
- Amendments to Rule 11.
  - Amendments to Rule 11.2.1 update the inventory record requirements by removing the date of acquisition and replacing it with the date of last trusted build.
  - Amendments to Rule 11.2.2 concern technical revisions to the electronic format requirement of the inventory record provided by a county to the Department.
  - Amendments to Rule 11.3.1 repeal the use of outdated technology. Voting systems in Colorado no longer include system modems.
- Amendments to Rule 15.
  - Amendments to Rule 15.1.1 clarify format and submission requirements for state petitions. Petition formats can be no smaller than 10-point font. Final versions of initiative petitions must be provided to the Department in Word and PDF format.
  - Amendments to Rule 15.2.1 include new licensing application requirements for a petition entity that intends to pay individuals circulating a petition for a referendum, minor party, and vacancy candidates and require all petition entities that intend to pay petition circulators to provide a copy of each circulator's identification and proof of each circulator's training completion as part of the entity's application.

- Amendments to Rule 15.2.2 remove duplicative language found in another rule within the Election rules pertaining to circulator training. [Amendments also require designated agents to complete the training offered by the Department each year beginning February 1, 2026.](#)
- Repeal of Rule 15.2.3 as it is no longer necessary due to the biennial license reapplication requirement found in current Rule 15.2.4. These amendments include necessary adjustments to the numbering of current Rules 15.2.4 and 15.2.5.
- Amendments to Rule 15.4.3 concern a technical clarification of what is considered a “line” when reviewing a petition section.
- Amendments to Rule 16.
  - Amendments to Rule 16.1.3 clarify when a county clerk must remove the covered status from an elector, including when an elector with covered status votes in-person in any election or when an elector with covered status returns their ballot by drop box, drop-off location, or in-person for two consecutive elections. The amendments also require a county clerk to notify an elector by email or mail when their covered status is removed, and how the elector may renew it, if eligible.
  - Amendments to Rule 16.1.6 require that correspondence sent to covered voters prior to a primary or coordinated election must be by both email, if available, and physical mail.
  - New Rule 16.1.7 clarifies that if a letter is sent under Rule 16.1.6 is returned as undeliverable, a county clerk must mark the voter record as inactive and send a confirmation card. These amendments include necessary adjustments to the numbering of current Rules 16.1.7 and 16.1.8.
  - Amendments to Rule 16.2.2 remove outdated processes for how UOCAVA electors receive their electronic ballots, and include other necessary renumbering.
  - Repeal of Rule 16.2.6 as it is an outdated process due to the improvements in SCORE. These amendments include necessary adjustments to the numbering of current Rules 16.2.7 through 16.2.9.
- Amendments to Rule 18.
  - Amendments to Rule 18.3.3 clarify the composition of resolution boards in elections when they do or do not contain partisan ballot content, as a result of the passage of House Bills 25-1315 and 25-1319.

- New Rule 18.4.2 clarifies how to treat ballots returned by voters who were ineligible to vote based on their affiliation in a general assembly or county commissioner vacancy election, as a result of the passage of House Bills 25-1315 and 25-1319. These amendments include necessary adjustments to the numbering of current Rules 18.4.2 through 18.4.7.
- Amendments to Rule 19.
  - Amendments to Rule 19.3.4 require election officials to attend at least one in-person training class every year.
- Amendments to Rule 20.
  - Amendments to Rule 20.1.2 include the requirement that county clerks provide the number of operational surveillance cameras for the upcoming election in their security plans submitted to the Department.
  - Amendments to Rule 20.4.2 establish that county clerks use forms prescribed by the Department for their detailed video surveillance maintenance plans.
  - Amendments to Rule 20.4.4 require election judges and staff to wear identification while working and require identification to be carried separately from a key card that accesses a door system.
  - Amendments to Rule 20.4.5 require security assessment under the rule to be conducted by an individual or entity approved by the Department and remove otherwise outdated language.
  - Amendments to Rule 20.5.1 prohibit a county clerk from removing a seal to access a computer case or hard drive without the written permission of the Department of State.
  - Amendments to Rule 20.12.2 clarify that incident reports must be filed on a form prescribed by the Department.
- Amendments to Rule 21.
  - Amendments to Rule 21.1.1 contain alterations to the rules for de minimus changes for currently certified voting equipment. This includes allowing for the Department of State to determine if integration testing is necessary and requiring a voting system vendor to provide information regarding changes to peripheral system equipment, as well as technical revisions.
  - Amendments to Rule 21.3.1 require voting system providers to request a meeting with the Department's voting system team prior to applying for certification or modification of a certified voting system. Changes also include allowing the Department to reject or delay requests for voting

system certification in the event that the deadlines specified in the rule are not met.

- Amendments to Rule 21.3.2 require a voting system provider that desires to submit a voting system for certification to request an “Application for Certification of Voting System” from the Department.
- Amendments to Rule 21.3.7 clarify that a trusted build may only be installed on a voting system component by staff who have undergone a background check, as required by Rule 20.2.5.
- Amendments to Rule 21.4.1 incorporate by reference the Voluntary Voting System Guidelines 2.0, adopted on February 10, 2021, and updates the 2002 Voting Systems Standards incorporation by reference to be compliant with section 24-4-103(12.5), C.R.S.
- Amendments to Rule 21.4.2 require all voting systems submitted for certification after January 1, 2026 to meet the Voluntary Voting System Guidelines 2.0 adopted by the Election Assistance Commission on February 10, 2021. Any voting system certified by January 1, 2026, are considered to be under a “legacy standard.” After January 1, 2026, no modifications to a certified voting system under this legacy standard will be considered unless the modification is considered de minimus, or addresses a serious defect or vulnerability.
- Amendments to Rule 21.4.4 conform to prior changes adopting the Voluntary Voting System Guidelines 2.0.
- Amendments to Rule 21.4.5 remove reference to an outdated practice for the functional requirements of a voting system.
- Amendments to Rule 21.4.10 update the requirement for password capability for certified voting systems, and other technical changes.
- Amendments to Rule 21.4.12 clarify that voting systems certified for use must be capable of creating a CVR export which is compatible with the Department of State’s post-election audit software.
- Amendments to Rule 21.5.3 remove references to voting system capabilities no longer in use in Colorado.
- Amendments to Rule 21.11.4 clarify that a voting system certified for use in a ranked voting election must be capable of allowing simultaneous elimination in a single round.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with the Department's rulemaking format and style. Cross-references in rules are also corrected or updated.

## **II. Rulemaking Authority**

The constitutional and statutory authority is as follows:

- Senate Bill 25-001 and House Bills 25-1155, 25-1195, 25-1315, and 25-1319.
- Article V, Section 1(6) of the Colorado Constitution, which authorizes the Secretary of State to designate or prescribe the form of petition sections for use by ballot initiatives.
- Section 1-1-107(2)(a), C.R.S., which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-1-109(3), C.R.S., which requires the Secretary of State “to promulgate rules...as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
- Section 1-1-110(1), C.R.S., which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-1-301, C.R.S., which requires the secretary of state to “establish and operate” a certification program for local election officials on the conduct of elections, to establish by rule a, “curriculum for the certification program . . . and methods for continuing education,” and to prescribe the continuing education requirements for the program by rule.
- Section 1-1.5-104(1)(b), C.R.S., which authorizes the Secretary of State to “[p]romulgate, oversee, and implement changes in the statewide voter registration system as specified in part 3 of article 2 of this title.”
- Section 1-1.5-104(1)(e), C.R.S., which gives the Secretary of State the power to “[p]romulgate rules...as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of [Article 1.5].”
- Section 1-4-101(2)(c), C.R.S., which allows the Secretary of State to adopt rules “necessary to avoid voter confusion in voting in primary elections.”
- Section 1-4-905.5(4)(a), C.R.S., which requires a petition entity to submit an application on a form “prescribed by the secretary.”

- Section 1-4-908(1), C.R.S., which authorizes the Secretary of State, “to establish guidelines for verifying petition entries,” for candidate petitions.
- Section 1-4-908(1.5)(b)(III), C.R.S., which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement [review of candidate petition signatures].”
- Section 1-5-601.5, C.R.S., which allows the Secretary of State to “require by rule that voting systems and voting equipment satisfy voting systems standards promulgated after January 1, 2008, by the federal election assistance commission as long as such standards meet or exceed those promulgated in 2002.”
- Section 1-5-616(1), C.R.S., which requires the Secretary of State to adopt rules “that establish minimum standards for electronic and electromechanical voting systems.” This includes the authority to adopt rules regarding “documentation requirements[,]” “security requirements[,]” and “accessibility” for those voting systems.
- Section 1-5-616(4), C.R.S., which requires the Secretary of State to “adapt the standards for certification of electronic or electromechanical voting systems established by rule... to ensure that new technologies that meet the requirements for such systems are certified in a timely manner...”
- Section 1-5-623(4), C.R.S. which requires the Secretary of State to “promulgate rules... including any rules necessary to specify permissible conditions of use governing electronic voting devices or systems or related components of such devices or systems...”
- Section 1-5-904(4), C.R.S., which requires the Secretary of State to “promulgate rules...as may be necessary to create and administer the multilingual ballot hotline...”
- Section 1-7.5-104, C.R.S., which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with [A]rticle 4 of [T]itle 24, C.R.S., by, the secretary of state.”
- Section 1-7.5-105(3), C.R.S., which requires the county clerk and recorder to “supervise the distribution, handling, and counting of ballots and the survey of returns in accordance with rules promulgated by the secretary of state...”
- Section 1-7.5-106, C.R.S., which requires the Secretary of State to establish procedures for and supervise the conduct of mail ballot elections, including adopting “rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.]”



- Section 1-8.3-104(1), C.R.S., which designates the Secretary of State as the “official responsible for implementing this [Article 8.3] and the state’s responsibilities under the federal ‘Uniformed and Overseas Citizens Absentee Voting Act’...”
- Section 1-8.3-104(3), C.R.S., which authorizes the Secretary of State to “establish an electronic transmission system through which a [UOCAVA] voter may apply for and receive” ballots and other associated materials.
- Section 1-10-104.5, C.R.S., which requires the Secretary of State to promulgate rules, “for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards.”
- Section 1-40-113(1)(a), C.R.S., which authorizes the Secretary of State to prescribe the form of ballot initiative petitions.
- Section 1-40-132(1), C.R.S., which authorizes the Secretary of State to promulgate rules as may be necessary, “to administer and enforce any provision of [Article 40] that relates to initiated or referred measures and state constitutional amendments.”
- Section 1-40-135(4), C.R.S., which requires petition entities to apply for a license “on a form prescribed by the secretary of state.”